

Bill Pascrell Jr., Tim Holden, Steve Israel, Jose E. Serrano, Carolyn McCarthy, Gregory W. Meeks, James P. McGovern, Shelley Berkley, Nita M. Lowey, Nydia M. Velazquez, Maurice D. Hinchey, Joe Baca, Jay Inslee, Carolyn B. Maloney, Robert Wexler, Cynthia A. McKinney, Carrie P. Meek, Rush D. Holt, Earl F. Hilliard, Lucille Roybal-Allard, Martin Frost, Sam Farr, William J. Coyne, Ron Kind.

Patsy T. Mink, Fortney Pete Stark, Mike Thompson, Tom Sawyer, Mike Ross, Dennis Moore, John J. LaFalce, Barney Frank, Dennis J. Kucinich, Ed Pastor, David Wu, Steven R. Rothman, Nancy Pelosi, William Lacy Clay, Melvin L. Watt, John B. Larson, Neil Abercrombie, Julia Carson, Hilda L. Solis, Carolyn C. Kilpatrick, Michael E. Capuano, Rod R. Blagojevich, Jim Matheson, Karen L. Thurman.

#### MOTOR CARRIER FUEL COST EQUITY ACT OF 2001

#### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. RAHALL. Mr. Speaker, I am pleased to introduce the bi-partisan "Motor Carrier Fuel Cost Equity Act of 2001" with my colleagues Mr. BLUNT of Missouri, Mr. MOLLOHAN of West Virginia, Mr. NEY of Ohio, Mr. PETERSON of Minnesota, Mr. STRICKLAND of Ohio, Mr. LIPINSKI of Illinois and Ms. BROWN of Florida.

In the 106th Congress, the House passed this bill by suspension of the rules on October 10, 2000 because Members recognized the hardship small business truckers suffer when they must pay for price spikes in the cost of diesel fuel. However, the bill was received in the Senate the next day and no further action was taken. Today, my colleagues and I re-introduce this bill with the hope that it will be enacted into law. Our goal is to ease the financial burden on small business truckers who need relief from diesel fuel price spikes.

Small business truckers are the Owner-Operators, approximately 350,000 men and women throughout the United States who own, operate and maintain their own 18-wheelers for their livelihood. They comprise about 67 percent of our nation's trucking force. They pay for their own diesel fuel, taxes, highway tolls and permits. These men and women do not work for the large trucking companies which negotiate long term fuel contracts and can defray part of the cost of skyrocketing fuel prices. Unlike the large trucking companies, the Owner-Operators are at the mercy of diesel fuel price spikes. They simply do not have the market clout to negotiate fuel contracts.

In the last 18 months, the price of diesel fuel has risen more than fifty cents a gallon over the 1999 levels. While the price spikes have hurt the entire trucking industry, no one is hurt like the little guy. Fuel is the single biggest operating cost of a small business trucker and accounts for up to one-third of their budget. According to an analyst with A.G. Edwards, almost 200,000 trucks have been repossessed since January of 2000 because small business truckers could not make ends meet.

In the third quarter of 2000 over 1,350 companies owning five trucks or less went bankrupt. This is nearly double the record set in the previous quarter. The price of diesel fuel prices was the primary factor in causing these bankruptcies. Just-in-time deliveries are being threatened, fewer transportation alternatives for shippers are available and consumers could face a rise in the price of various goods and commodities resulting in a national economic downturn.

The "Motor Carrier Fuel Cost Equity Act of 2001" gives a safety net of relief to owner-operators, shippers and consumers by ensuring that a fuel surcharge will be assessed at times of diesel fuel price spikes. Under terms of a surcharge, a shipper pays to the trucking companies the difference between what is deemed to be a baseline cost of diesel fuel and the sudden, dramatic increases in the cost of that fuel. The legislation provides that the fuel surcharge must be itemized on the freight bill or invoice to trucking customers. The fuel surcharge arrangement will be enforced solely by the parties themselves through private action. The federal government will have no regulatory or enforcement authority.

The bill will not abrogate existing fuel surcharge arrangements. Customers who already pay a fuel surcharge will not be affected by this legislation. Nothing in the bill will prevent parties in the future from establishing a fuel surcharge agreement that is different from this pending legislation. All past, current and future privately negotiated fuel surcharge agreements are fully respected.

In calculating a diesel fuel surcharge, pricing will be based on the National Average Diesel Fuel Index which is published by the Energy Information Administration of the United States Department of Energy. Whenever fuel costs return to normal levels, the surcharge will no longer be applied.

America watched the economies of Britain and France thrown into chaos on the issue of diesel fuel prices. A lack of relief from diesel fuel prices is a formula for disaster in the making, considering the large number of bankruptcies we have recently witnessed in the United States.

The essential feature of the Motor Carrier Fuel Cost Equity Act of 2001 is that it provides a private right of action as a means to ensure that the entity which actually pays for the fuel receives the surcharge. No Federal Government enforcement. No cost to the taxpayers. Just simply equity and fairness.

High diesel fuel prices have also had a devastating effect on our nation's port drivers. Their poor working conditions have come to the attention of the International Brotherhood of Teamsters, which is involved in an ongoing effort to organize port truck drivers and to bring national attention to their plight.

It is time that we go to bat for the little guy, the small businessperson, and for the integrity of our economy by enacting the Motor Carrier Fuel Cost Equity Act of 2001.

THE HONORABLE MAERSK  
MOLLER, A MARITIME VISIONARY

#### HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. OBERSTAR. Mr. Speaker, I rise to pay tribute to a most extraordinary maritime leader, Mr. Maersk Mc-Kinney Moller, a true visionary of the international shipping community and owner of the A.P. Moller Group. Mr. Moller's company, Maersk-Sealand, is a global transportation provider whose fleet of ships make it the world's largest shipping company. I am also very pleased to note that Maersk Moller's ships fly the American flag and generate much needed jobs for U.S. maritime labor. In fact, Maersk-Sealand directly generates employment for approximately 9000 people in its United States shipping business and it also serves more than 30,000 U.S. based companies engaged in international trade.

Maersk is truly a remarkable company, Mr. Speaker, and Maersk Mc-Kinney Moller is an exceptional person. Mr. Moller's family history is rooted in the United States. His mother was an American, born in Kansas City. During the time spent in this country during World War II, Mr. Moller developed a keen appreciation of the many sacrifices Americans made during that great struggle. Many of the ships in the A.P. Moller fleet were used by the United States and our allies. Following World War II, Maersk Moller, his father, and many other people worked hard to rebuild their civilian shipping enterprise into the world-class company it is today.

I would like to cite a few of the significant Maersk milestones.

The company's United States headquarters was founded in 1943.

Today Maersk has 10 United States corporate entities dedicated to ship management, terminal operations, trucking, rail transportation, and third party logistics and, as mentioned, it generates employment for approximately 9000 Americans.

In 1947, a prominent affiliate, Maersk Line, Limited, was chartered in Delaware.

Maersk Line, Limited is the largest U.S.-flag carrier serving the foreign trades of the United States.

53 vessels documented under the U.S.-flag are owned, operated or chartered by Maersk Line, Limited.

29 of these ships are dedicated to service for the U.S. government.

Maersk Line, Limited has become a critical partner in the preposition ship program for the Marine Corps and U.S. Army.

Maersk Line, Limited ships were the first vessels to arrive in Desert Storm and off-load critically needed Marine Corps supplies and equipment.

Space on Maersk commercial ships was provided free of charge to the U.S. government so the government could load much needed supplies for our troops during the sustainment phase of the operation.

Mr. Speaker, during a recent discussion with Mr. Maersk Moller, I was impressed with his deep desire to maintain a competitive U.S.-

flag presence in the international trade. Mr. Moller is a true believer in United States flag shipping and our maritime interests are the better for his support of a U.S.-flag fleet.

I believe that we need new initiatives to stimulate an international U.S.-flag presence. A tax-based methodology, for instance, has been used in other countries to encourage growth in their merchant fleets; we should have similar incentives for American workers to attract talented people to this important industrial base.

I am working on legislation to provide such incentives for our U.S.-flag operations, under the Maritime Security Program. Companies like Maersk are very willing to invest in U.S.-flag shipping and make a contribution to the national security interests of the United States. We must give them encouragement to do so.

I congratulate Mr. Maersk Mc-Kinney Moller on his many personal accomplishments, his longstanding desire to maintain a U.S.-flag presence, and the numerous contributions he has made to foster trade in the foreign maritime commerce of the United States.

HONORING WORLD WAR II  
VETERAN ALFORD LEE GRAY—

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take this moment to honor World War II veteran Alford Lee Gray of Olathe, Colorado. Alford endured the terrors of the War, including the Battle of Leyte, in order to help ensure a victory on the side of justice. While mere words cannot express Alford's heroism, I am proud to have this opportunity to honor the valor he exhibited during the war.

Even before World War II, Alford was well aware that sacrifice and persistence are sometimes needed for survival. A witness of the Depression, Alford also discovered the necessity of teamwork. He says, "You relied on your neighbor and he relied on you. Without knowing it, I think we took that feeling into the war with us," said Alford in a article from the Montrose Daily Press. Indeed, these lessons seem to have provided him with the means not only to survive, but also to help ensure an American victory. Alford demonstrated remarkable heroism when it was most needed of him.

Before the Battle of Leyte, Japanese Vice Admiral Takeo Kurita expected to stamp out the American resistance, and he armed himself with weapons to complete that feat. Kurita's 18-inch guns, Japanese Zeros, and incendiary bombs destroyed several of American Admiral William F. Halsey's ships, including the U.S.S. Kitkun Bay, on which Alford resided. Then, according to Alford, "A Kamikaze came out of nowhere and exploded on deck," resulting in such terrible damage that the men were given permission to abandon ship. Even in this precarious state, however, Alford and others followed the captain's commands to extinguish the fires and somehow got the ship back to Pearl Harbor. "After the Battle of Leyte, I counted 270 holes punched through the side of our ship. Some of the shells had

gone completely through the Kitkun Bay. I don't know why we were still floating after that fight," said Alford.

In spite of the severe damage to Halsey's ships, American forces destroyed ten Japanese cruisers, four carriers, three battleships, and nine destroyers. Thanks to the teamwork and courage of men like Alford, what the Japanese expected to be an easy victory turned into a cruel defeat. In fact, the Japanese would never recover from this crucial defeat.

In recognition of his valor, Alford Gray has been honored with a Good Conduct Medal, an Asiatic Pacific Ribbon with five stars, a World War II Victory Medal, a Philippine Liberation Medal, and a Presidential Citation. Today, Mr. Speaker, I ask Congress to also recognize and honor Alford Lee Gray for his legendary bravery and sacrifice. He is a great American who plainly deserves the thanks and esteem of this body.

TRIBUTE TO COURTNEY JOHNSON,  
ELIZABETH JACKSON AND ERIK  
GREB

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2001*

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize three of New York's outstanding young students, Courtney Johnson, Elizabeth Jackson, and Erik Greb. Tomorrow, on June 14th, the women of Girl Scout Troop 1909, Service Unit 19 will recognize Courtney and Elizabeth for receiving their gold awards, and on June 15th, Troop 284 will recognize Erik on his Eagle Scout Court of Honor.

Since the beginning of last century, the Girl and Boy Scouts of America have provided thousands of young men and women each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

These awards are presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Courtney, Elizabeth, and Erik, and bring the attention of Congress to these successful young men and women on their day of recognition.

PERSONAL EXPLANATION

**HON. JOHN B. LARSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2001*

Mr. LARSON of Connecticut. Mr. Speaker, for Roll Call Vote No. 161, on final passage of H. Con. Res. 145, condemning the recent order by the Taliban regime of Afghanistan to require Hindus in Afghanistan to wear symbols identifying them as Hindu, I was unable to be present and voting in the Chamber as I was on my way to Connecticut to attend funeral services for Mrs. Barbara L. Bailey, the mother of my predecessor, former Congresswoman Barbara B. Kennelly. Had I been present and voting in the Chamber, I would have joined my colleagues in voting in favor of condemning the Taliban for their atrocious policies.

EXPRESSING SORROW OF THE  
HOUSE AT THE DEATH OF THE  
HONORABLE JOHN JOSEPH  
MOAKLEY, A REPRESENTATIVE  
FROM THE COMMONWEALTH OF  
MASSACHUSETTS

SPEECH OF

**HON. JAMES P. MCGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 6, 2001*

Mr. MCGOVERN. Mr. Speaker, on Thursday, May 31st a vigil service honoring our friend and colleague JOE MOAKLEY was held at the Massachusetts Statehouse in Boston.

During the service, Father J. Donald Monan and Senator EDWARD M. KENNEDY both gave moving tributes to JOE. I'd ask that both sets of remarks be included at an appropriate place in the RECORD.

VIGIL SERVICE IN HONOR OF JOHN JOSEPH  
MOAKLEY, 1927-2001

STATE HOUSE, BOSTON, MASSACHUSETTS, MAY  
31, 2001

(Homily by J. Donald Monan, S.J.)

"Amen I say to you, whatever you did for one of these least brothers of mine, you did for me."

Both here in Boston and in the tiny Central American country of El Salvador, this is the final week of the Easter Season, the season when Christ's death is still fresh in our memories, but when we celebrate in faith our confidence in newly-risen life. In the three short days since Memorial Day, the word of Joe's passing has kindled not only the brilliance of the City's writers and its cameramen; it touched their hearts as well. Every step along the route of his public career, from the streets of South Boston to the halls of Washington, has been faithfully, even lovingly portrayed.

Those portraits I will not attempt to retrace this evening. I believe that there is one reason why Congressman Moakley suggested that I have the privilege of speaking this evening. Joe frequently and publicly said that of all the accomplishments that were his in over forty years of public service, his proudest accomplishment was in bringing to light the truth about the atrocious murders of six Jesuit priest-educators and their